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STATUTORY INSTRUMENTS

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**2012 No. 1902 (C. 76)**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Health Act 2009 (Commencement No. 5) Order 2012**

*Made* - - - - *18th July 2012*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by section 40(1) of the Health Act 2009<sup>(1)</sup>.

**Citation**

1. This Order may be cited as the Health Act 2009 (Commencement No. 5) Order 2012.

**Appointed day for provisions relating to pharmaceutical services and local pharmaceutical services**

2. 1st September 2012 is the day appointed for the coming into force of the following provisions of the Health Act 2009—

- (a) section 26 (new arrangements for entry into a pharmaceutical list);
- (b) section 27 (pharmaceutical lists: minor amendment);
- (c) section 28 (breach of terms of arrangements: notices and penalties);
- (d) section 29 (LPS schemes: powers of Primary Care Trusts and Strategic Health Authorities);
- (e) section 38 (repeals and revocations), in so far as it relates to the repeals mentioned in paragraph (f); and
- (f) the entries in Schedule 6 (repeals and revocations) that relate to the National Health Service Act 2006<sup>(2)</sup>, in so far as not already in force.

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(1) 2009 c. 21.  
(2) 2006 c. 41.

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Signed by authority of the Secretary of State for Health.

18th July 2012

*Earl Howe*  
Parliamentary Under-Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force sections 26 and 27 of the Health Act 2009 (and related repeals in Schedule 6 to that Act), which provide for new arrangements for entry by pharmacy and appliance contractors onto the pharmaceutical lists held by Primary Care Trusts. Pharmaceutical lists are the lists of contractors who are entitled to provide pharmaceutical services from specified premises in the area of a Primary Care Trust. The principal change is that listing applications will from 1st September 2012, subject to exceptions, be assessed against plans known as pharmaceutical needs assessments, which all Primary Care Trusts are required to produce.

This Order also brings into force section 28 of the Health Act 2009, which provides for new arrangements for the sanctions that may be imposed against contractors on pharmaceutical lists who are in breach of their terms of service.

This Order also brings into force section 29 of the Health Act 2009 (and a related repeal in Schedule 6 to that Act) which enables Strategic Health Authorities to commission local pharmaceutical services from Primary Care Trusts, and Primary Care Trusts to be providers of local pharmaceutical services in prescribed circumstances. Local pharmaceutical services contracts are an alternative to the pharmaceutical list system as a basis for providing NHS community pharmaceutical services.

This Order also brings into force a repeal that relates to an entry in section 276 of the National Health Service Act 2006 which was omitted when paragraph 11 of Schedule 1 of the Health Act 2009 was brought into force on 19th January 2010 by the Health Act 2009 (Commencement No. 1) Order 2010 ([S.I. 2010/30](#)).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Health Act 2009 have been or will be brought into force in England by the commencement orders made before the date of this Order ([S.I. 2011/1255](#) amended [S.I. 2010/1068](#)):

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 7	19th January 2010	<a href="#">2010/30 (C. 5)</a>
Sections 8 to 10 (fully)	1st April 2010	<a href="#">2010/30 (C. 5)</a>
Sections 11 to 13	19th January 2010	<a href="#">2010/30 (C. 5)</a>
Section 15(1) (partially)	19th January 2010	<a href="#">2010/30 (C. 5)</a>
Section 15(2) (partially)	15th February 2010	<a href="#">2010/30 (C. 5)</a>
Sections 16 and 17	15th February 2010	<a href="#">2010/30 (C. 5)</a>
Section 18 (partially)	15th February 2010	<a href="#">2010/30 (C. 5)</a>
Section 19 (partially)	19th January 2010	<a href="#">2010/30 (C. 5)</a>

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Section 20 (fully)	6th April 2015	2010/1068 (C. 70) and 2011/1255 (C. 49)
Section 21 (partially)	6th April 2012	2010/1068 (C. 70) and 2011/1255 (C. 49)
Section 21 (partially)	6th April 2015	2010/1068 (C. 70) and 2011/1255 (C. 49)
Section 22 (fully)	1st October 2011	2010/1068 (C. 70) and 2011/1255 (C. 49)
Section 24 (partially)	6th April 2012	2010/1068 (C. 70) and 2011/1255 (C. 49)
Section 24 (partially)	6th April 2015	2010/1068 (C. 70) and 2011/1255 (C. 49)
Section 25 (partially)	18th March 2010	2010/779 (C.52)
Section 25 (fully)	24th May 2010	2010/779 (C. 52)
Section 33	19th January 2010	2010/30 (C. 5)
Section 35	1st October 2010	2010/1863 (C. 95)
Section 36	19th January 2010	2010/30 (C. 5)
Section 38 (partially)	1st October 2011	2010/1068 (C. 70) and 2011/1255 (C. 49)
Section 38 (partially)	6th April 2012	2010/1068 (C. 70) and 2011/1255 (C. 49)
Schedule 1	19th January 2010	2010/30 (C. 5)
Schedule 2 (partially)	15th February 2010	2010/30 (C. 5)
Paragraphs 1 to 13 of Schedule 3	19th January 2010	2010/30 (C. 5)
Paragraphs 18 and 19 (partially) of Schedule 3	19th January 2010	2010/30 (C. 5)
Paragraphs 2 (partially), 6 (partially), 7(5) and (6), 10, 11 (fully) and 12 (fully) of Schedule 4	6th April 2012	2010/1068 (C. 70) and 2011/1255 (C. 49)
Paragraphs 2 (fully), 3 and 4 (partially) of Schedule 4	6th April 2015	2010/1068 (C. 70) and 2011/1255 (C. 49)
Schedule 5	1st October 2010	2010/1863 (C. 95)

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Schedule 6 (partially)	1st October 2011	2010/1068 (C. 70) and 2011/1255 (C. 49)
Schedule 6 (partially)	6th April 2012	2010/1068 (C. 70) and 2011/1255 (C. 49)

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